

ORDINANCE NO. 2437

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE OFFICIAL ZONING MAP OF GILBERT, ARIZONA, BY CHANGING THE ZONING CLASSIFICATION OF PROPERTY CONSISTING OF APPROXIMATELY 10.25 ACRES, LOCATED SOUTH AND EAST OF THE SOUTHEAST CORNER OF GREENFIELD ROAD AND ELLIOT ROAD, IN ZONING CASE Z13-10, FROM TOWN OF GILBERT SINGLE FAMILY – 15 (SF-15) ZONING DISTRICT TO TOWN OF GILBERT SINGLE FAMILY – 10 (SF-10) ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR NON-SEVERABILITY; AND PROVIDING PENALTIES

WHEREAS, the Town Council has determined that this amendment to the Official Zoning Map conforms with the Town of Gilbert General Plan, any applicable Specific Area Plan, neighborhood, or other plan, and any overlay zoning district; and

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws; and

NOW THEREFORE BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section I. In General.

1. The Official Zoning Map of the Town of Gilbert, Arizona is hereby amended by changing the zoning classification of property consisting of approximately 10.25 acres described in Exhibit 1 and as shown on the Zoning Exhibit (map) in Exhibit 2, both attached hereto and incorporated herein by this reference (the “Property”), from Town of Gilbert Single Family – 15 (SF-15) zoning district to Town of Gilbert Single Family – 10 (SF-10) zoning district.

2. The Property described in Paragraph 1 of this Section shall be used and developed in accordance with the Land Development Code of the Town of Gilbert. Development of the Property shall also be subject to the following conditions:

- a. Construction of off-site improvements to Greenfield Road adjacent to the Property shall be completed prior to issuance of a certificate of occupancy or final approval of any building constructed on the Property or at the time requested by Gilbert, whichever is earlier. If Gilbert constructs the improvements

required by this ordinance as part of its capital improvements program prior to development of the Property, Developer shall reimburse Gilbert for its reasonable costs of construction prior to issuance of a certificate of occupancy or final approval of any unit or building constructed on the Property.

- b. Prior to the effective date of this ordinance, Developer shall enter into a Development Reimbursement and Lien Agreement agreeing that Developer will reimburse Gilbert for the costs of design and construction of off-site improvements required by this ordinance if Gilbert constructs the improvements as part of its capital improvements program. Failure by Developer to execute a Development Reimbursement and Lien Agreement prior to the effective date of this ordinance may result in reversion of the zoning to the prior zoning classification. If Developer constructs the improvements, Gilbert shall release Developer from its obligations under the Development Reimbursement Agreement.
- c. At the written request of Gilbert, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements. Failure to dedicate said easements within thirty (30) days after the date of Gilbert's written request may result in the reversion of the zoning of the Property to the prior zoning classification.
- d. Developer shall create a Homeowner's Association (HOA) or Property Owner's Association (POA) for the ownership, maintenance, landscaping, improvements and preservation of all common areas and open space areas, and landscaping within the rights-of-way. Maintenance responsibilities for common areas and open space areas shall be specified on the approved site plan or final plat.
- e. Developer shall record easements to be owned by the HOA for pedestrian, bicycle, multi-use or trail system purposes as determined by the final plat, at the time of final plat recordation, or earlier if required by the Town Engineer. Such easements shall be open to public access and use.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Non-Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then this entire ordinance is invalid and this ordinance shall have no force or effect.

Section IV. Providing for Penalties.

Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 5.1205 and 5.1206 of the Gilbert Land Development Code. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Zoning Code or by the Town of Gilbert Municipal Court continues, shall constitute a separate civil offense.

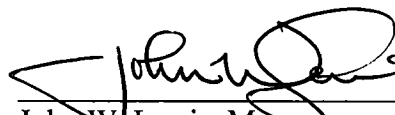
PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 27th day of June 2013, by the following vote:

AYES: Cook, Cooper, Daniels, Lewis, Petersen, Ray, Taylor

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this 27th day of June, 2013.




John W. Lewis, Mayor

ATTEST:



Catherine A. Templeton, Town Clerk


APPROVED AS TO FORM:



Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.
Town Attorneys
By Susan D. Goodwin

I, CATHERINE A. TEMPLETON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 2437 ADOPTED BY THE

COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 27th DAY OF June 2013,
WAS POSTED IN FOUR PLACES ON THE 8th DAY OF July, 2013.


Catherine A. Templeton, Town Clerk, CMC

The following exhibits are attached hereto and incorporated herein:

1. Legal Description
2. Zoning Exhibit (map)

LEGAL DESCRIPTION (GROSS ACREAGE)

THAT PART OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 1 SOUTH, RANGE 6 EAST OF THE GILA & SALT RIVER BASE & MERIDIAN, MARICOPA COUNTY, ARIZONA, LYING WEST OF THE WEST RIGHT OF WAY OF THE EASTERN CANAL, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SECTION 15 TOWNSHIP 1 SOUTH, RANGE 6 EAST OF THE GILA & SALT RIVER BASE & MERIDIAN, MARICOPA COUNTY, ARIZONA;

THENCE NORTH (ASSUMED BEARING) ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF THE SAID SECTION 15, 770.08 FEET TO A POINT FROM WHICH THE NORTHWEST CORNER OF THE SAID SECTION 15 BEARS NORTH 1863.82 FEET DISTANT THEREFROM;

THENCE NORTH 89°40'25" EAST PARALLEL WITH THE SOUTHERLY LINE OF THE SAID NORTHWEST QUARTER OF SECTION 15, 739.59 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THAT CERTAIN CANAL KNOWN AS THE EASTERN CANAL;

THENCE SOUTHERLY ALONG THE SAID WESTERLY RIGHT-OF-WAY LINE FOLLOWING VARIOUS COURSES; SOUTH 26°44'51" WEST, 164.79 FEET;

THENCE SOUTH 24°12'11" WEST, 104.00 FEET;

THENCE SOUTH 16°39'52" WEST, 131.56 FEET;

THENCE SOUTH 12°43'08" WEST, 413.58 FEET TO A POINT ON THE SAID SOUTHERLY LINE OF THE NORTHWEST QUARTER OF SECTION 15;

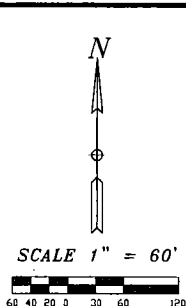
THENCE LEAVING THE SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE SAID SOUTHERLY LINE OF THE NORTHWEST QUARTER OF SECTION 15, SOUTH 89°40'25" WEST, 494.00 FEET TO THE POINT OF BEGINNING;

EXCEPT THE SOUTH 22.00 FEET THEREOF;

SAID PARCEL CONTAINING 10.2493 ACRES

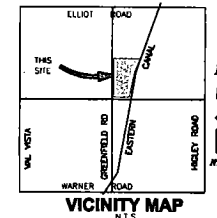


EXPIRES 03-31-15



TH RANCH

A PORTION OF THE NORTHEAST QUARTER OF SECTION 15,
TOWNSHIP 1 SOUTH, RANGE 6 EAST OF THE G.&S.R.B.&M.,
MARICOPA COUNTY, ARIZONA



LEGEND

- STREET LIGHT
- PROPERTY CORNERS
- SEWER MANHOLE
- WATER VALVE
- BRASS CAP
- FIRE HYDRANT
- WATER SERVICE
- DRAINAGE ARROW

LEGAL DESCRIPTION (GROSS ACRES)

THAT PART OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 1 SOUTH, RANGE 6 EAST OF THE G.A. & SALT RIVER DISE & MERIDIAN, MARICOPA COUNTY, ARIZONA, LYING WEST OF THE WEST RIGHT OF WAY OF THE EASTERN CANAL, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SECTION 15, TOWNSHIP 1 SOUTH, RANGE 6 EAST OF THE G.A. & SALT RIVER BASE & MERIDIAN, MARICOPA COUNTY, ARIZONA;

THENCE NORTH (ASSUMED BEARING) ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF THE SAID SECTION 15, 770.08 FEET TO A POINT FROM WHICH THE NORTHWEST CORNER OF THE SAID SECTION 15 BEARS NORTH 1853.82 FEET DISTANT THEREFROM;

THENCE NORTH 89°40'25" EAST PARALLEL WITH THE SOUTHERLY LINE OF THE SAID NORTHWEST QUARTER OF SECTION 15, 730.58 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THAT CERTAIN CANAL KNOWN AS THE EASTERN CANAL;

THENCE SOUTHERLY ALONG THE SAID WESTERLY RIGHT-OF-WAY LINE FOLLOWING VARIOUS CURVES, SOUTH 2°44'51" WEST, 164.79 FEET;

THENCE SOUTH 24°12'11" WEST, 104.00 FEET;

THENCE SOUTH 18°39'52" WEST, 131.56 FEET;

THENCE SOUTH 17°43'08" WEST, 413.58 FEET TO A POINT ON THE SAID SOUTHERLY LINE OF THE NORTHWEST QUARTER OF SECTION 15;

THENCE LEAVING THE SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE SAID SOUTHERLY LINE OF THE NORTHWEST QUARTER OF SECTION 15, SOUTH 89°40'25" WEST, 494.00 FEET TO THE POINT OF BEGINNING;

EXCEPT THE SOUTH 22.00 FEET THEREOF;

SAID PARCEL CONTAINING 10.2483 ACRES

OWNER

BLANDFORD HOMES
PAUL DUGAS
3371 E. BASELINE ROAD
GILBERT, ARIZONA 85234
EMAIL: paul@blandfordhomes.com
Phone: 480-892-4492

ENGINEER

GREGORY L. ALLEN
ALLEN CONSULTING ENGINEERS, INC.
2550 N. THUNDERBIRD CIR. #132
MESA, ARIZONA 85215
(480) 844-1666

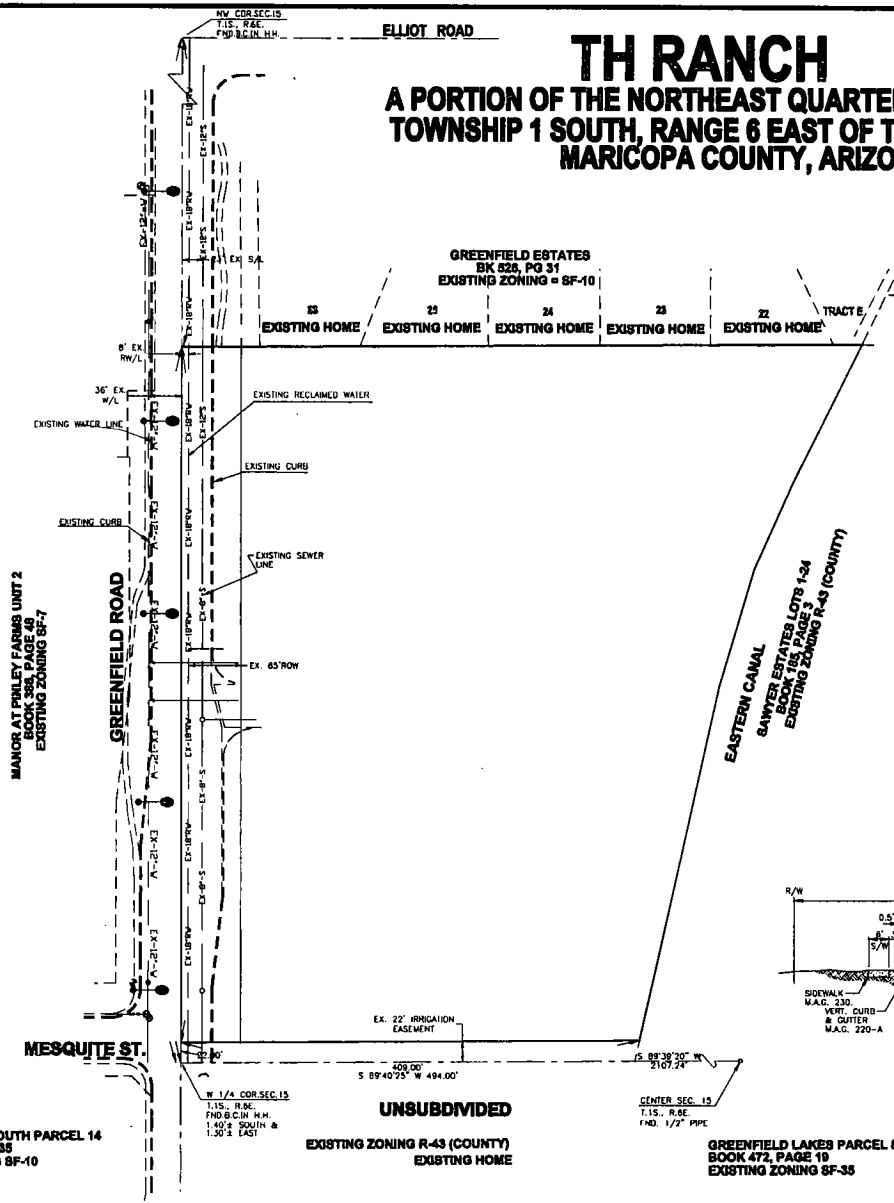
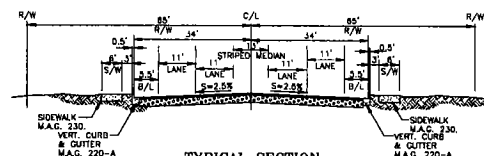
BASIS OF BEARING

THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 1 SOUTH, RANGE 6 EAST, WHICH BEARS NORTH 00°00'00" EAST.

BENCHMARK

INTERSECTION OF VAL VISTA & ELLIOT
ELEVATION = 1252.74 TOC DATUM

PROJECT DATA TABLE	
GROSS AREA	10.2483 AC
NET AREA	9.1334 AC
CURRENT ZONING	SF-15
PROPOSED ZONING	SF-10
GENERAL PLAN CLASSIFICATION	RESIDENTIALS-1-2 DU/AC



FINLEY FARMS SOUTH PARCEL 14
BOOK 400, PAGE 55
EXISTING ZONING SF-10

UNSUBDIVIDED
EXISTING ZONING R-43 (COUNTY)
EXISTING HOME

GREENFIELD LAKES PARCEL 8
BOOK 472, PAGE 19
EXISTING ZONING SF-35



ALLEN CONSULTING ENGINEERS, INC.
2550 N. THUNDERBIRD CIRCLE #132
MESA, ARIZONA 85215
PHONE (480) 844-1666
FAX (480) 830-8463
E-MAIL: aac@allenconsultingengr.com

TH RANCH
REZONING EXHIBIT

JOB NUMBER 91963 SHEET 1

Case #: Z13-10
Attachment 5: Zoning Ordinance

FINDINGS OF FACT

Z13-10 – TH Ranch

1. The proposed zoning amendment conforms to the General Plan as amended, any applicable Specific Character Area, neighborhood, or other plan and any overlay zoning district.
2. All required public notice has been conducted in accordance with applicable state and local laws.
3. All required public meetings and hearings have been held in accordance with applicable state and local laws.
4. The proposed rezoning supports the Town's strategic initiative for Community Livability. It supports the motto "Gilbert: Clean, Safe, Vibrant."
5. The proposed rezoning will not be detrimental to public health, safety, and general welfare of persons living or working in the surrounding area or to the general welfare of the Town as a whole.

When recorded mail to:

Town of Gilbert

Town Clerk

50 East Civic Center Drive

Gilbert AZ 85296

**OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20130601518 07/01/2013 12:33 N
ELECTRONIC RECORDING
Gilbert852-7-1-1--**

This area reserved for County Recorder

CAPTION HEADING
Ordinance 2437

DO NOT REMOVE

Exhibit 2 was adopted with and is incorporated into Ordinance 2437 and is available for viewing in the Office of the Town Clerk, Town of Gilbert, 50 East Civic Center Drive Gilbert AZ 85296.

Exhibit 2

Zoning Map